

# EXHIBIT 3

<p style="text-align: right;">Page 94</p> <p>1 have been this most recent year you filed your taxes</p> <p>2 for.</p> <p>3 A. Yeah.</p> <p>4 Q. So let's go back. Let's not go to -- let's go to this</p> <p>5 year, 2024. You haven't filed taxes yet, but we're</p> <p>6 coming to the yearend. How much have you -- has each</p> <p>7 corporate entity been able to bring in this year?</p> <p>8 A. I think -- profit wise?</p> <p>9 Q. Yes.</p> <p>10 A. Around \$2 million for me.</p> <p>11 Q. So you've had a good year this year?</p> <p>12 A. Yeah, I worked very hard. I did.</p> <p>13 Q. I'm sure you do. And your husband?</p> <p>14 A. He did like, I think, \$500,000.</p> <p>15 Q. Okay. So obviously a definite portion of this comes</p> <p>16 from government payments to you, correct?</p> <p>17 A. Um-hmm.</p> <p>18 Q. That's a yes?</p> <p>19 A. Yes.</p> <p>20 Q. Isn't it important for you to know how to bill properly</p> <p>21 so that you're only being paid for what the government</p> <p>22 legally allows you to be paid for?</p> <p>23 A. Yes.</p> <p>24 Q. Or do you not care?</p> <p>25 A. No, of course I care. And the idea that everything is</p>	<p style="text-align: right;">Page 96</p> <p>1 A. I spoke to the biller two months ago. We talk to each</p> <p>2 other.</p> <p>3 Q. Do you know what the nature of our lawsuit is here?</p> <p>4 A. Yes.</p> <p>5 Q. What do you understand we're claiming you did wrong?</p> <p>6 A. No. You're claiming I fired her because I thought that</p> <p>7 she thought we were doing something wrong.</p> <p>8 Q. Okay.</p> <p>9 A. Instead of firing her for poor performance.</p> <p>10 Q. With regard to whether or not my client's complaints</p> <p>11 about what you were doing wrong are accurate, do you</p> <p>12 know sitting here today if she's correct?</p> <p>13 A. She's inaccurate.</p> <p>14 Q. Well, have you done an investigation?</p> <p>15 A. Yes.</p> <p>16 Q. What did you investigate?</p> <p>17 A. How things were being billed.</p> <p>18 Q. Okay. What did you do? Who did the investigation, you</p> <p>19 personally?</p> <p>20 A. I did it with the biller. We reviewed stuff.</p> <p>21 Q. Okay. And who's the biller you're referring to here?</p> <p>22 A. Simrath.</p> <p>23 Q. Okay. And is there a written investigation result or</p> <p>24 report?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 95</p> <p>1 done correctly. That's why the biller oversees it. She</p> <p>2 understands it better than I do. So I just try to help</p> <p>3 save her some time as far as just putting in codes of</p> <p>4 things that were done. But as far as servicing and</p> <p>5 that, they manage that. They have a list of when I am</p> <p>6 or am not in the building, which PA sees the patient,</p> <p>7 and they put that in.</p> <p>8 Q. So you don't know if fraud is occurring in your office?</p> <p>9 A. No, there is no fraud occurring.</p> <p>10 Q. Well, how do you know that? Because you don't know</p> <p>11 what they're doing, and you don't know what the rules</p> <p>12 are. How do you know that? You just turn it over to</p> <p>13 the biller, and you don't know what the biller puts in.</p> <p>14 That's what you've just told me.</p> <p>15 A. No, I don't. You're asking me for like nuance things.</p> <p>16 I'm giving you --</p> <p>17 Q. I'm not asking you for nuance things.</p> <p>18 A. Yeah, you are.</p> <p>19 Q. I'm asking you whether you are aware of whether fraud</p> <p>20 has occurred in your office with regard to how things</p> <p>21 are billed to the government?</p> <p>22 A. No, we bill correctly.</p> <p>23 Q. Well, how do you know that?</p> <p>24 A. Because I've spoke to the biller about it.</p> <p>25 Q. When did you last speak to the biller?</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Okay. What did you do to investigate my client's</p> <p>2 claims?</p> <p>3 A. We reviewed the processes of how things are billed, and</p> <p>4 what was being put down.</p> <p>5 Q. So then you do know how they were billed, and what was</p> <p>6 being put down?</p> <p>7 A. Yes.</p> <p>8 Q. So you told me a few minutes ago you didn't know. It</p> <p>9 was completely up to the biller.</p> <p>10 A. No, you're asking me for servicing provider and billing</p> <p>11 provider, and they mean different things in different</p> <p>12 instances.</p> <p>13 Q. Right. So why don't you explain that to me.</p> <p>14 A. I don't know that, because she fills it out.</p> <p>15 Q. Okay.</p> <p>16 A. I'm not a biller. That's why I hired her.</p> <p>17 Q. Have you ever had a physician assistant who has been</p> <p>18 the billing -- who's had her name on the billing as the</p> <p>19 provider?</p> <p>20 A. Yes.</p> <p>21 Q. For services?</p> <p>22 A. Absolutely.</p> <p>23 Q. And how many times has that happened?</p> <p>24 A. It happens when I'm not there.</p> <p>25 Q. Okay. So when did that begin?</p>

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 A. After COVID rules ended.</p> <p>2 Q. Okay. And what do you understand the COVID rules were?</p> <p>3 A. That the physician did not have to be present.</p> <p>4 Q. Under what circumstances?</p> <p>5 A. There was the circumstance as long as they could be</p> <p>6 gotten ahold of.</p> <p>7 Q. Where'd you get that information from?</p> <p>8 A. From the CMS.</p> <p>9 Q. I'm sorry?</p> <p>10 A. CMS.</p> <p>11 Q. What have you read from CMS that makes you say to me</p> <p>12 here today that you didn't -- as long as you could be</p> <p>13 gotten ahold of, I think was how you put it, what are</p> <p>14 you relying on for that? Is that for anybody that</p> <p>15 comes into your office so long as you could have been</p> <p>16 gotten ahold of it's legal?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And where do you get that information from?</p> <p>19 A. From, I just told you, CMS.</p> <p>20 Q. I'm sorry?</p> <p>21 A. CMS.</p> <p>22 Q. Okay. And what did you read from CMS about COVID?</p> <p>23 A. That because of the situation with COVID, that as long</p> <p>24 as the physician could be gotten ahold of that they</p> <p>25 could bill.</p>	<p style="text-align: right;">Page 100</p> <p>1 loosened the rule for telehealth too.</p> <p>2 Q. Okay. Where do I find that what you're referring to as</p> <p>3 a physician who was responsible for these practices?</p> <p>4 Where do I find that?</p> <p>5 A. CMS. I'd have to get it to you.</p> <p>6 Q. Do you have something that says that?</p> <p>7 A. I believe I do. I don't have it on me.</p> <p>8 Q. And did you have any training on that?</p> <p>9 A. No.</p> <p>10 Q. What format did you become aware of that in?</p> <p>11 A. Piece of paper.</p> <p>12 Q. I mean, did you get something online? How did you</p> <p>13 become aware of this new policy?</p> <p>14 A. Online.</p> <p>15 Q. And are you guessing? Sounds like you're not sure.</p> <p>16 A. It was a while ago. I can't remember exactly.</p> <p>17 Q. So you can't tell me anything here today that you</p> <p>18 recall specifically reading about the COVID protocols;</p> <p>19 is that correct?</p> <p>20 A. No. I just told you I did read it, but I can't</p> <p>21 remember exactly where I found it.</p> <p>22 Q. So during COVID, you were billing for procedures for</p> <p>23 servicing a patient when you did not actually see the</p> <p>24 patient, correct?</p> <p>25 A. They were all my patients, so I knew everything about</p>
<p style="text-align: right;">Page 99</p> <p>1 Q. Okay. And do you think that what you just told me is</p> <p>2 accurate?</p> <p>3 A. Yes.</p> <p>4 Q. Hang on a second, please. Sorry. Okay. In order for you</p> <p>5 to be out of the office, and be able to bill as a</p> <p>6 physician, based on COVID, did you have to do a case by</p> <p>7 case analysis of that particular patient coming into</p> <p>8 the office to see you personally?</p> <p>9 A. No.</p> <p>10 Q. You're not aware that in order to be able to render</p> <p>11 services and bill, excuse me, to be able to bill for</p> <p>12 services when you're not in the office during COVID, it</p> <p>13 had to be -- there had to be a medically indicated</p> <p>14 reason on a case-by-case basis? You're not aware of</p> <p>15 that?</p> <p>16 A. Medically indicated? What do you mean?</p> <p>17 Q. Yeah, because you had COVID or something, and couldn't</p> <p>18 see the patient in person.</p> <p>19 A. I don't think that's what that meant.</p> <p>20 Q. What what meant? What are you saying when you said</p> <p>21 that meant? What are you referring to? Go ahead.</p> <p>22 A. My understanding of it was that because of the</p> <p>23 stressful nature of the COVID situation where</p> <p>24 physicians were placed in hospitals, and couldn't get</p> <p>25 to places, that they loosened the rule. They also</p>	<p style="text-align: right;">Page 101</p> <p>1 them.</p> <p>2 Q. I didn't ask you that.</p> <p>3 A. Well, you're acting like I don't know the patient. I</p> <p>4 knew the patients.</p> <p>5 Q. You know what, I didn't act like that. What I said was</p> <p>6 you were billing for servicing a patient when you did</p> <p>7 not service a patient in the office, correct?</p> <p>8 A. Me personally, no.</p> <p>9 Q. Okay. And during COVID, did you use telehealth where</p> <p>10 you were on a video with a patient?</p> <p>11 A. In certain circumstances.</p> <p>12 Q. Okay. And how many circumstances were those? Is that</p> <p>13 on the calendar?</p> <p>14 A. Sometimes they put it in. My patients have to be seen</p> <p>15 in person mostly. But if it was a wound check or</p> <p>16 something, you could do it.</p> <p>17 Q. So then who saw the patient during COVID?</p> <p>18 A. You mean the telehealth?</p> <p>19 Q. The physician.</p> <p>20 A. I would always do the telehealth.</p> <p>21 Q. Hang on a second. So let's stick with the COVID</p> <p>22 protocol. So do I have it right that what was happening</p> <p>23 was the physician's assistant was seeing the patient in</p> <p>24 the office, but you were remote somewhere else and</p> <p>25 could be reached by phone?</p>

<p style="text-align: right;">Page 102</p> <p>1 A. In certain circumstances, yes.</p> <p>2 Q. And you think that was protected, and gave you the</p> <p>3 ability to -- even if you never saw the patient, to</p> <p>4 bill as the servicer, correct?</p> <p>5 A. Yes.</p> <p>6 Q. So wasn't the purpose of the law to not expose a doctor</p> <p>7 and a patient?</p> <p>8 MR. BREAGH: Object for speculation.</p> <p>9 A. I don't know.</p> <p>10 BY MS. GORDON:</p> <p>11 Q. I didn't get my question out yet.</p> <p>12 A. No.</p> <p>13 Q. Okay. That wasn't the purpose of the law?</p> <p>14 A. No.</p> <p>15 MR. BREAGH: Objection to speculation.</p> <p>16 BY MS. GORDON:</p> <p>17 Q. And during COVID, did you see any patients that you</p> <p>18 would not ordinarily have seen?</p> <p>19 A. I don't understand.</p> <p>20 Q. Were you treating people for COVID? Were you rushing</p> <p>21 to the hospital to treat a COVID patient? I assume</p> <p>22 not?</p> <p>23 A. No, I treated COVID patients. I had to cut off legs,</p> <p>24 and try to save people's arms. Yeah, I was grossly</p> <p>25 involved in that as well.</p>	<p style="text-align: right;">Page 104</p> <p>1 mean, I was in the office. They didn't necessarily see</p> <p>2 patients by themselves all the time.</p> <p>3 Q. Were your PAs seeing patients virtually?</p> <p>4 A. No.</p> <p>5 Q. When I get your patient billing records am I going to</p> <p>6 see any patients for the year 2022 where a PA used her</p> <p>7 name for the billing, billing of services as compared</p> <p>8 to your name?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. How many times is that going to occur?</p> <p>11 A. A few hundred.</p> <p>12 Q. A few hundred?</p> <p>13 A. Yeah.</p> <p>14 Q. Where the PA would have been the person who's getting</p> <p>15 the rate under which you were billing for?</p> <p>16 A. Yeah.</p> <p>17 Q. Was that 85 percent of what you would bill for?</p> <p>18 A. Yes. Whatever the rate's supposed to be.</p> <p>19 Q. So there was a financial advantage, obviously, for the</p> <p>20 doctors to bill at their rate, correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you said there were several hundred times during</p> <p>23 2022?</p> <p>24 A. Yeah. Probably 200, several hundred over the top. I</p> <p>25 didn't see that many patients.</p>
<p style="text-align: right;">Page 103</p> <p>1 Q. Were you more busy during COVID?</p> <p>2 A. Well, I didn't see new patients, so it was a different</p> <p>3 busy. I was in the hospital more.</p> <p>4 Q. What was your billing like in, let's call it, 2022?</p> <p>5 A. 2022?</p> <p>6 Q. Was it up or not?</p> <p>7 A. Well, that was separate. I'm talking about COVID, like</p> <p>8 the 2019 COVID.</p> <p>9 Q. Okay. Well, when did the protocols come into effect,</p> <p>10 the new COVID protocols?</p> <p>11 A. During COVID?</p> <p>12 Q. That we knew?</p> <p>13 A. I didn't have a PA then, so it didn't matter. I saw all</p> <p>14 my own patients.</p> <p>15 Q. I'm just trying to find out what the COVID protocols</p> <p>16 came in that you're relying on in this case?</p> <p>17 A. I'm relying on...</p> <p>18 Q. What are you relying on in this case, what time period?</p> <p>19 A. From what I remember, and what I read.</p> <p>20 Q. Okay. But what was the time period where you were --</p> <p>21 where you had PAs, and you were relying on the COVID</p> <p>22 protocols? What time period are we talking about here?</p> <p>23 A. 2020 until 2023.</p> <p>24 Q. Did you have a PA in 2020?</p> <p>25 A. I did have a PA, but the PA didn't always see -- I</p>	<p style="text-align: right;">Page 105</p> <p>1 Q. And under what circumstance would that occur?</p> <p>2 A. If I wasn't able to be available.</p> <p>3 Q. Because why?</p> <p>4 A. If I was on a plane or in surgery.</p> <p>5 Q. Has any PA other than my client ever billed under her</p> <p>6 own provider number and not yours?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Who other than my client?</p> <p>9 A. Well, Kendall, Kyle.</p> <p>10 Q. Are you sure, or are you guessing?</p> <p>11 A. No, I know they billed under them.</p> <p>12 Q. Okay. Did you maintain a hard copy of my client's file</p> <p>13 throughout the course of her employment with you?</p> <p>14 A. We had one hard copy, and it was in the Med Spa, and</p> <p>15 it's gone now, so I don't know what happened to it.</p> <p>16 Q. I just asked you if you maintained a hard copy of her</p> <p>17 file.</p> <p>18 A. We did, but I don't have it.</p> <p>19 Q. So where are hard copies of the files kept?</p> <p>20 A. In the manager's office.</p> <p>21 Q. I don't know what you mean by that. Give me a name.</p> <p>22 A. In Madison and Rachel's office.</p> <p>23 Q. Okay. And those are the medical assistants?</p> <p>24 A. No. Those are the practice managers.</p> <p>25 Q. I'm sorry. Okay. So where are their offices located?</p>

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<p style="text-align: right;">Page 114</p> <p>1 A. Yes.</p> <p>2 Q. Okay. But you know there were new procedures?</p> <p>3 A. Yes.</p> <p>4 Q. And you've referenced them here today a bit?</p> <p>5 A. Yes.</p> <p>6 Q. Something about you could be remote --</p> <p>7 A. The telehealth.</p> <p>8 Q. -- or available by, I think you said, text or</p> <p>9 something?</p> <p>10 A. Yes.</p> <p>11 Q. Right?</p> <p>12 A. Um-hmm.</p> <p>13 Q. Okay. So my question was very straightforward. You've</p> <p>14 already said there was nothing in writing that was</p> <p>15 distributed to your staff or employees about this, the</p> <p>16 change. You said that. So then I went on and I said</p> <p>17 was any training given about the new COVID procedures</p> <p>18 about doctors not necessarily having to be on-site.</p> <p>19 A. There was no training.</p> <p>20 Q. For billing?</p> <p>21 A. There was no training.</p> <p>22 Q. There was no training, okay.</p> <p>23 A. No training.</p> <p>24 Q. Hang on one second. Okay. After my client became</p> <p>25 employed at your practice, she raised some questions</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. And what was the purpose of the meetings?</p> <p>2 A. To try to go over what her issues were, and try to</p> <p>3 figure out how to correct them.</p> <p>4 Q. Okay. And what did you figure out about how to correct</p> <p>5 them?</p> <p>6 A. We tried to explain to her that private insurers don't</p> <p>7 follow incident to billing, and that there were the</p> <p>8 COVID rules were different than she referenced</p> <p>9 something from I think was like 2007 or something, a</p> <p>10 very old reference, and that wasn't relevant.</p> <p>11 Q. Didn't she email everybody some information about the</p> <p>12 COVID rules?</p> <p>13 A. No.</p> <p>14 Q. Are you sure about that?</p> <p>15 A. I never got an email about COVID rules.</p> <p>16 Q. Did you give her anything about the COVID rules?</p> <p>17 A. No.</p> <p>18 Q. Okay. Did you put anything in writing to her</p> <p>19 explaining to her why she was allegedly incorrect, and</p> <p>20 you were correct?</p> <p>21 A. No.</p> <p>22 Q. So there's nothing at all that exists in writing where</p> <p>23 you are telling Julia Zimmerman here's why what we're</p> <p>24 doing is correct. You don't have anything to worry</p> <p>25 about. Something like that; is that correct?</p>
<p style="text-align: right;">Page 115</p> <p>1 about how billing was being done, correct?</p> <p>2 A. I guess midway through her employment.</p> <p>3 Q. Okay. And what did you understand her questions were,</p> <p>4 or her concerns were?</p> <p>5 A. About when we bill the servicing provider, billing</p> <p>6 provider who we were billing under if I wasn't there.</p> <p>7 Q. Okay. And how did you learn about this? I know that</p> <p>8 Julia raised some issues with you directly, correct?</p> <p>9 A. Emailed. She emailed.</p> <p>10 Q. But she raised them with you directly, correct?</p> <p>11 A. I don't remember. I just remember I see the emails.</p> <p>12 Q. And you're on some of the emails, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And didn't you talk to her directly about this?</p> <p>15 A. Afterward, yes, I did.</p> <p>16 Q. After what, after the complaint?</p> <p>17 A. She emailed, yeah, after she said something.</p> <p>18 Q. But you definitely sat down with her on several</p> <p>19 occasions because she was raising questions, correct?</p> <p>20 A. I don't recall those occasions. I just know there were</p> <p>21 a couple meetings we had.</p> <p>22 Q. And who was in those meetings?</p> <p>23 A. It would be me and Pavlina.</p> <p>24 Q. Okay. And anybody else?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 117</p> <p>1 A. No. I don't have anything.</p> <p>2 Q. Okay.</p> <p>3 A. That I wrote to her.</p> <p>4 Q. And Julia emailed you, and she also emailed Simrath; is</p> <p>5 that correct?</p> <p>6 A. Which email are you referring to?</p> <p>7 Q. I just am not referring to a specific one right now.</p> <p>8 I'm saying that she emailed with you and Simrath.</p> <p>9 A. Yes.</p> <p>10 Q. About many of her concerns; is that true?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And you remember that one of her concerns was</p> <p>13 the chart shouldn't contain billing diagnoses that</p> <p>14 weren't actually existent as a diagnosis from the</p> <p>15 finding. She was concerned about the diagnoses that</p> <p>16 were being listed. Do you remember that?</p> <p>17 A. Vaguely.</p> <p>18 Q. Okay. And the concern was that there was improper</p> <p>19 logging of diagnoses in charts which would open up</p> <p>20 issues in case you should get audited, correct?</p> <p>21 A. She never said that to me.</p> <p>22 Q. She never said what?</p> <p>23 A. Any of the words audited. She just said that she</p> <p>24 thought that it was more accurate. My understanding of</p> <p>25 billing diagnosis was something we were treating, and</p>

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